

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 19-38

Adoption of Best Value Procurement - Project Delivery Method

WHEREAS, SEMSWA'S Capital Improvements Program (CIP) Group is responsible for administering capital projects that require construction work within regulated waterways; and

WHEREAS, construction of such projects requires that contractors possess experience and skills specifically for working in waterways in addition to skills required of typical infrastructure projects; and

WHEREAS, a construction contractor can provide additional insight and expertise with respect to means, methods and construction options to the project team early in the project design; and

WHEREAS, SEMSWA has developed an alternative project delivery process where during the project design phase, both a design consulting firm and a construction contractor are selected through a request for proposals process; and

WHEREAS, the Best Value Procurement delivery method will provide SEMSWA with an additional project delivery option to efficiently administer projects that require special coordination with multiple stakeholders, require an expedited schedule, multi-phased approach, or possesses higher potential risks requiring complex problem solving; and

WHEREAS, the Best Value Procurement approach will allow SEMSWA to develop a project team that includes experienced consultants and contractors that work together with SEMSWA and its stakeholders to execute the project design and permitting while considering constructability, risk mitigation, and value engineering approaches to provide cost-effective construction projects.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Southeast Metro Stormwater Authority acting by and through SEMSWA Water Activity Enterprise authorizes the Executive Director to implement the Best Value Procurement Delivery Method.

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

Best Value Procurement - Project Delivery Guidelines

Statement of Purpose: SEMSWA's Capital Improvements Program (CIP) Group administers and manages projects that help achieve SEMSWA's goals. SEMSWA's capital projects often require work in the waterways that requires contractor experience beyond that of typical public works construction projects. Therefore, SEMSWA has initiated an additional project delivery method that will enable SEMSWA to select both highly skilled consultants and contractors to work together to implement project design and construction with an efficient and cost-effective approach.

Application: This guideline is for SEMSWA's CIP Group to follow when implementing Capital Improvement Projects that are consistent with SEMSWA's Mission, Vision, and Values.

Mission: To provide flood control and stormwater management services for our community.

Vision: To be an innovative stormwater agency delivering timely and cost-effective solutions to our community.

Values: Efficiency, Accountability, Communication, Innovation, Collaboration, and Respect.

Project Delivery Approaches: SEMSWA's Project delivery may be administered through either SEMSWA's standard project process that includes separate design, bidding, and construction phases or an alternative project delivery method. The alternate process is the Best Value Procurement method that replaces the traditional bidding phase with a contractor selection early in the design process. The contractor forms a partnership with the consultant and stakeholder team to prepare the project design and to provide cost-effective solutions. Considerations for using the Best Value Procurement project delivery method include:

- Does the project require coordination with multiple stakeholders, have multiple objectives or require significant public input and outreach?
- Does the project have potential risks such as limited access or potential constructability issues that would require complex problem solving and early contractor input into the design; and would, therefore, be best accomplished through a team of experienced consultants and contractors?
- Does the project require an expedited schedule? Would there be significant time savings compared to the standard project delivery process that includes a bidding phase between design and construction?
- Does the project scope require flexibility, such as for a multiple-phased approach to break up a larger project into smaller phases due to funding and property access limitations?

Procedures for Consultant and Contractor Selection: SEMSWA prequalifies consultants and contractors every two years through a Statement of Qualifications (SOQ) process. The SOQ will identify necessary competencies needed in addition to technical skills required for Best Value Procurement project delivery processes. Such skills and competencies required include team leadership, collaboration, strong

communication skills with an ability to facilitate internal and external stakeholder consensus, and management of schedule and project costs.

SEMSWA's Standard Project Delivery Process

The CIP Project Manager will develop a project scope and request for proposals to solicit SEMSWA's pre-qualified list of engineering design consultants. The consultant, with the proposal that presents the best approach as agreed upon by a designated selection committee, will be notified by the project manager to negotiate the scope and fee. The proposed contract authorization will be presented by resolution to the SEMSWA Board of Directors for approval.

SEMSWA, its stakeholders, and the consultant will prepare the project design and pursue permit approvals to then develop a project bid package. When the final design has been approved, and permitting complete, project bids will be solicited from SEMSWA's prequalified Contractor list, and the lowest qualified bidder will be contracted with upon approval from SEMSWA's Board of Directors. During the construction phase, the consultant will represent SEMSWA as its Owner's Representative and will observe the contractor's work to ensure that the project is constructed according to the design.

Best Value Procurement Project Delivery

The CIP Project manager will develop the project scope for the RFP and indicate that SEMSWA intends to undertake a Best Value Procurement project delivery process. This process will require the consultant to work with a selected pre-qualified SEMSWA contractor to develop the design and permits for approval. The consultant selection by a committee will be based on the proposal with the best approach for the design, utilizing the Best Value Procurement delivery method. The selected consultant will work with the CIP Project Manager to negotiate the scope and fee for a design contract, and approval will be requested via a resolution from SEMSWA's Board of Directors.

The project design will be prepared up to a preliminary level ranging from 30% to 50% design completion. The design team, including SEMSWA, its stakeholders, and the engineering consultant will develop an RFP to solicit and select a contractor from SEMSWA's prequalified list to assist with final design and permit approvals. As part of the contractor selection process each contractor proposal will be ranked based on four criteria: 1) Capability to perform work, 2) Experience and qualifications of proposed construction team, 3) Understanding and potential mitigation of risks, and 4) Value engineering approaches. The Contractor will also provide their unit costs for standard bid items that will also be reviewed by the committee and compared to the current market costs.

The committee will make a selection, and the CIP Project Manager will then negotiate a consulting fee with the contractor to compensate them for their time and effort assisting with the design and permit development to approval. If the negotiated contract exceeds the Executive Director's authorization, a resolution for approval will be brought to the SEMSWA's

Board of Directors. Once the contractor is hired, they will be invited to work together with the consultant and stakeholder forming a complete project team.

At 100% design approval, the contractor will submit their bid costs for construction of the project to SEMSWA for review and approval. If the contractor's bid is accepted by SEMSWA and its stakeholders, then contract authorization by resolution will be requested for approval by SEMSWA's Board of Directors. (In the case where SEMSWA cannot agree with the Contractor on the construction contract, bids would be solicited from other contractors on SEMSWA's prequalified list.) Throughout the construction phase, the consultant and contractor will continue to work together alongside SEMSWA and its stakeholders to ensure that the project goals are met and all parties benefit from a successful project.